IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1037 OF 2007
IN
CRIMINAL APPEAL NO. 848 OF 2007

Sunanda Vishwas Kadam ..Applicant
(Org.Accd.No.4)

Vs.

The State of Maharashtra ..Respondent

Mr.S.K. Shinde with Mr. Sagar Kasar for applicant.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 16, 2007.

P.C.:

1. Heard Mr. Shinde the learned counsel for the applicant, who was tried as accused no.4 in Sessions Case No.66 of 2005 and she has been convicted for the offence punishable under Section 304-B read with Section 34 of IPC. She has been sentenced to suffer SI for seven years and hence this application for being released on bail during the pendency of her appeal registered as Criminal Appeal No. 848 of 2007 which has been admitted on 11/9/2007.

2. I have perused the depositions of PW 2 -

Gorakh Deoram Daitkar, the complainant and father of the deceased and also perused the FIR. Having regards to the reasoning set out by the trial court in support of the order of conviction and sentence against the present applicant, I am satisfied that the applicant deserves to be released on bail. The only statement in the evidence of PW 2 that the applicant along with Vishwas - accused no.1 had gone to the house of the complainant and persuaded the complainant to send the deceased for co-habitation at the house of Vishwas by giving assurance that nothing would happen. The applicant is a married woman and she is not the resident of the village where the incident had taken place. On the contrary, she is a resident of the village of the complainant i.e. Juvardi Budruk.

3. Hence, the application is allowed and it is directed that the applicant - accused no.4 be released on bail in the sum of Rs.15,000/- and with one solvent surety for the like amount, if not required in any other case, during the pendency of Criminal Appeal No. 848 of 2007.

(B.H. Marlapalle,J.)